



## Sudan

### Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 28, 2005

Sudan has an authoritarian government in which all effective political power lies in the hands of President Omar Hassan al Bashir and the National Congress (NC) Party inner circle, who have been in power since a 1989 military coup instigated and supported by the fundamentalist National Islamic Front (NIF). In 1999, Bashir broke with the ideological leader of the NIF, Hassan al Turabi, disbanded Parliament, suspended parts of the Constitution, and declared a state of national emergency that abrogated basic liberties and remained in effect at year's end. In 2000, Bashir was reelected, and his NC/NIF political party won 340 out of 360 seats in the Parliament in deeply flawed elections boycotted by all major opposition parties. NC/NIF members and supporters continued to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The judiciary was not independent and was subject to outside influence from the executive and security forces.

The regional Intergovernmental Authority on Development (IGAD), under Kenyan leadership, continued to seek an end to the country's 21-year North-South civil war. A cessation of hostilities, first signed in 2002, was extended and was largely respected during the course of the year, although there were some violations by both sides. On December 31, representatives of the Government and the Sudan People's Liberation Movement Army (SLPM/A) initialed a comprehensive peace agreement to be signed formally on January 9, 2005. All of the protocols, including those on wealth-sharing, power-sharing, and the status of the three contested areas were signed in June. The Civilian Protection Monitoring Team (CPMT) and the Joint Military Commission operating in the Nuba Mountains had considerable success in monitoring and curbing serious abuses during the year.

In Darfur, government and government-supported militia (jinjaweed) committed serious abuses during the year, including razing hundreds of villages of African tribes. Information available by September 9 indicated that genocide had been committed in Darfur, and the Government and the jinjaweed bore responsibility. A U.N. International Commission of Inquiry was investigating this issue at year's end. The World Health Organization reported that, as a result of the conflict, at least 70,000 civilians died, more than 1.5 million civilians were internally displaced, and an estimated 200,000 refugees fled to neighboring Chad.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces. The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.

The country's mostly agricultural economy continued to be crippled by the civil war, destruction of infrastructure, economic mismanagement, and the existence of more than 4 million internally displaced persons (IDPs) and refugees in a country with an estimated population of 38 million. The country took further steps towards transitioning from a socialist to a market based economy; however, the Government and NC supporters remained heavily involved in the economy. Corruption, mismanagement, and increasing military expenditures limited the impact of increased oil revenue and Islamic banking and financial assets. The Government took important steps to reform its finance and foreign exchange systems. Real gross domestic product grew an estimated 5.9 percent.

The Government's human rights record remained extremely poor, and, although there were improvements in some areas, numerous, serious problems remained. Citizens were unable to change their government peacefully. Security forces and associated militias were responsible for extrajudicial killings and disappearances. Government forces, allied militias, and insurgent groups killed and injured thousands of civilians in conflict. Security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were reports of torture. Security forces and associated militias beat refugees, raped women abducted during raids, and harassed and detained IDPs. Government security forces and pro government militias acted with impunity.

Prison conditions remained harsh and life-threatening, and prolonged detention remained an issue. The Government used arbitrary arrest and detention under state of emergency provisions. The authorities did not ensure due process in civilian or military courts. The Government infringed on citizens' privacy rights. Humanitarian relief flights significantly improved access throughout the South during the year; however, obstructions to humanitarian access, particularly to the Darfur region, continued.

The Government continued to restrict freedom of speech, press, assembly, association; restricted freedom of religion and movement; and arrested and harassed those who exercised these rights. There were credible allegations of conversions of non Muslims to Islam as a condition of employment or other privileges. Members of local human rights NGOs were occasionally harassed. Violence and discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) remained widespread, although it was becoming less common. Abductions and trafficking in persons occurred but appeared to decline. Discrimination and violence against ethnic minorities, and government denial of workers' rights persisted. Security forces and associated militias were responsible for forced labor (including forced child labor) and forced military conscription of underage young men. Child labor was widespread. Credible sources indicated that, unlike in previous years, slavery did not appear to be a significant problem.

Antigovernment insurgent groups and associated militia forces also committed numerous, serious abuses. The SPLM/A, the Sudanese Liberation Army (SLA), and the Justice and Equality Movement (JEM) were guilty of abuses including killings, beatings, rape, robbery, destruction of property, forced conscription, restricting freedom of movement of populations under their control, kidnapping, restricting access of relief workers and supplies, and killing of NGO workers.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports of politically motivated killings by the Government or its agents; however, there were reports of numerous extrajudicial killings (see Section 1.g.).

Unlike in the previous year, there were no reports that government forces and allied militia pursued a systematic scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production; however, violence in Darfur increased significantly. The Government attacked civilian facilities and housing, which resulted in numerous civilian deaths, including of children (see Section 1.g.). Deaths resulted from landmines during the year (see Section 1.g.).

In September, two men died while in government custody after being arrested in a crackdown on supporters of Hassan Al-Turabi. The Government reported that they arrested two members of the security services in connection with this incident, but no known action had been taken by year's end.

Unlike in the previous year, there were no reports that police killed persons while forcibly dispersing demonstrations.

Unlike in the previous year, there were no reports that forced conscriptions resulted in deaths.

There was a rash of violence, with killings committed by both the Government and SPLM/A, in the Shilluk Kingdom after Dr. Lam Akol defected from the government-affiliated SPLM-United to the main SPLM/A. The CPMT confirmed that government-supported militias killed two Shilluk farmers on April 2. The CPMT also confirmed that, on June 4, SPLM/A soldiers killed 24 civilians working as charcoal makers on Akrwa Island; they killed another person the next day.

Violence continued in the oil producing areas. On April 6, SPLA soldiers attacked a Sudan Pile Company vehicle traveling on the Leer-Adok oil road, killing two civilians and injuring another.

Rebel groups operating throughout the country were responsible for killings (see Section 1.g.).

Interethnic conflict resulted in deaths during the year (see Section 5).

Genocide committed by the Government and jinjaweed occurred in Darfur during the year (see Section 1.g.).

#### **b. Disappearance**

There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels; however, unlike in previous years, there were no such allegations that this took place in government controlled zones in the South and the Nuba Mountains.

There were no confirmed reports of abductions in the southern part of the country, largely due to the cessation of hostilities in much of the South. In the past 15 years, an estimated 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, primarily Dinka, remained abducted or unaccounted for at year's end. Observers believed that some of those abducted in the past were sold into de facto slavery as forced laborers, while some others were drafted into the military. In some cases, the abductees escaped or eventually were released or ransomed; in other cases, they were killed. Few persons who were previously abducted were returned during the year.

The Committee to Eradicate the Abduction of Women and Children (CEAWAC) continued to report a lack of necessary funding to document, rescue, and transport abductees back to their families (see Section 5). The Government did not identify the abductors or forced labor owners and has not prosecuted them.

There were no further developments, and none were expected, regarding approximately 10,000 persons abducted by government supported militia in northern Bahr el Ghazal during the last 20 years.

There were multiple reports during the year that rebel forces in Darfur abducted persons, including government officials and humanitarian aid workers (see Section 4).

Unlike in the previous year, there were no reports of abductions by SPLA forces and allied militias.

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

The Ugandan Lords Resistance Army (LRA) kidnapped children in Uganda and brought them into the southern part of the country (see Section 5).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. Impunity continued to be a serious problem.

In accordance with Shari'a, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and "crucifixion" the public display of a body after execution. The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from Hudud law--the part of Shari'a which permits physical punishments, including flogging, amputation, and stoning. During the year, there were a number of sentences of flogging and cross-amputation, but few were carried out.

On April 14, a young Christian woman was fined and lashed for not wearing a headscarf. The case of a 16-year-old girl convicted of adultery in 2003 and sentenced to 100 lashes received media attention when a human rights lawyer won the suspension of her sentence in late January because she was a Christian and a minor. There was no further information regarding the appeal of Mohamed Hassan Hamdan, a 16-year-old sentenced in October 2003 to "cross amputation" for armed robbery.

At least one person died as a result of torture while in the custody of government security forces in Khartoum (see Section 1.a.).

On January 5, Waiel Taha, a student at the University of Khartoum who was active in the Sudan Organization Against Torture, was arrested. While in detention, he was hit in the genitals, beaten with a water hose, and threatened with rape. He was later released.

There were reports that government security forces tortured and beat persons suspected of supporting the rebels in Darfur. Amnesty International (AI) provided numerous reports of beatings and torture of persons detained in Darfur, including one incident in mid-March following an SLA attack on Buram in which a number of civilians were arrested and subsequently beaten with sticks and gun butts, tied upside-down to a tree, and tied together in the back of a truck for 4 days without food and water.

There were also reports of detentions and torture by the rebels in Darfur. The African Union's Ceasefire Commission for Darfur (AU CFC) reported that, on October 27, the SLA stopped 3 commercial buses and detained 18 Arab passengers, whom they took to an SLA base and beat repeatedly.

Security forces beat and mistreated refugees and injured persons while dispersing demonstrations (see Sections 2.b. and 2.d.).

Soldiers, PDF members, and pro government militia forces raped women (see Section 1.g.). There was a clear and documented pattern of rape and sexual abuse directed at IDPs of all ages in Darfur (see Sections 1.g. and 5).

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bomb attacks on civilian targets (see Section 1.g.).

SPLM/A and affiliated forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.).

Prison conditions remained harsh, overcrowded, and life-threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The Government routinely mistreated persons in custody. There were reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors.

Male and female prisoners were held separately.

Juveniles often were held with adults. To provide proper care for their children, many women prisoners took the children into the prison where education was unavailable.

Pretrial detainees were held separately from convicted prisoners.

The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention without charge; however, in practice, the Government continued to use arbitrary arrest and detention under the state of emergency provisions.

There are a number of police forces, including regular police units, the Popular Police Force (PPF), and Public Order Police (POP). The PPF is a parallel pro government force that received higher pay than the regular police. The POP is a law enforcement entity that enforced Islamic law (Shari'a), including enforcing proper social behavior, such as restrictions on alcohol and "immodest dress." Effectiveness varied depending on the strength of the local militias and security forces. Police corruption was a problem, and police officers supplemented their incomes by extorting bribes from the local civilians.

Under the Constitution and the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the National Security Act, which supercedes the Criminal Code, an individual accused of violating national security may be detained for 3 months without charge, which the Director of Security may extend for another 3 months. Under the state of emergency, the Government is not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review. Security forces often held persons, including criminal detainees, incommunicado for long periods of time in unknown locations without access to their lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.

In general, the Government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for persons perceived as political opponents.

There were reports that security forces tortured, detained without charge, and held incommunicado political opponents (see Sections 1.a and 1.c.). Detentions of such persons generally were prolonged. Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under Special Courts (see Section 1.e.). Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day--a process that sometimes continued for weeks.

Authorities continued to detain political opponents of the Government. There was an increase in detentions of members of Hassan al-Turabi's Popular National Congress (PNC), including several major crackdowns leading to dozens of arrests and detentions, which the Government claimed were in response to coup plotting. Turabi himself has been held without charge since September. A trial of 28 persons charged with coup plotting was ongoing at year's end (see Section 1.e.). Several supporters of the eastern-based Beja Congress were detained in Kassala and Port Sudan, including 12 members arrested in Port Sudan on October 12.

Journalists were arrested and detained during the year (see Section 2.a.).

Security forces continued to detain persons because of their religious beliefs and activities (see Section 2.c.). Detentions based nominally on religion generally were of limited duration; however, the Government routinely accused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention. Security forces often targeted southern women in IDP camps because they produced and sold a traditional home brewed alcohol; such women were arrested and imprisoned for up to 6 months under Shari'a. Vagrant children accused of committing crimes were detained for indefinite periods (see Section 5).

Unlike in the previous year, arrests and detentions of members of nongovernmental organizations (NGOs) and civil society groups were infrequent (see Section 4).

Some sources believed that the SPLM/A still held several hundred prisoners of war (POWs) in indefinite detention at year's end; however, it was unknown whether this was indeed the case.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was largely subservient to the President or the security forces, particularly in cases of crimes against the state.

A Judiciary Committee nominates and the President appoints the Chief Justice of the Supreme Court. As the senior judge in the judicial service, the Chief Justice also controlled the judiciary. The President appoints the Constitutional Court's seven members. On occasion, courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred. Ali Dosa, a Member of Parliament arrested on charges of working with the Darfur rebels, was imprisoned for several months, although his parliamentary immunity was never lifted.

The judicial system includes four types of courts: Regular courts; military courts; special courts; and tribal courts. Tribal courts were in place in rural areas to resolve disputes over land and water rights, and family matters. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Special Courts in Darfur operated during the year under the state of emergency to try crimes against the state. The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the North but not by courts in the South. There continued to be reports that non Muslims were prosecuted and convicted under Shari'a "hudud" laws (see Section 1.c.). Public order cases were heard in criminal courts.

The Constitution provides for fair and prompt trials; however, this was not respected in practice in many cases. Trials in regular courts nominally met international standards of legal protections. The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the Government sometimes denied defense counsel access to the courts. For example, in September, 28 persons were put on trial for allegedly plotting a coup in March. On October 25, the presiding judge banned the defendants' lawyers from representing them and ordered them to pick new counsel or accept government-appointed lawyers. The judge's decision was upheld on appeal, and the trial remained pending at year's end.

Only military personnel were tried in military courts. Military trials, which sometimes were secret and brief, did not provide procedural safeguards. At military trials, the defendant's attorney, called a friend of the defendant, may advise the defendant but may not address the court. Military trials did not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security related cases. Attorneys could advise defendants as friends of the court but normally could not address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the Chief Justice and the Head of State. Defendants could file appellate briefs with the Chief Justice. Special Courts operated in Darfur, as allowed under the state of emergency.

Emergency tribunals, composed primarily of military judges, continued to try banditry cases, particularly in Darfur. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during the year. Sentences were carried out quickly, with only 1 week allowed for appeal to the district chief justice. Emergency tribunals ordered executions during the year. Unlike last year, there were no confirmed reports that persons were executed the day after sentencing.

Lawyers who wished to practice were required to maintain membership in the government-controlled bar association. The Government continued to harass members of the legal profession who it viewed as political opponents; some were detained, including the Director of the Darfur Lawyers Association, Mohamed Adomo, who was later released.

Civil authorities and institutions did not operate in parts of the rebel held South and the Nuba Mountains. Parts of the South and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/A held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognized traditional courts or "Courts of Elders," which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts particularly

were active in Bahr el Ghazal. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

There were reports of political prisoners. A considerable, but unknown, number of persons were imprisoned for political reasons but on ostensibly non-political charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government routinely violated these rights in practice. Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes.

Unlike in the previous year, there were no reports that security personnel routinely opened and read mail or monitored telephones, and there were no reports of government forces occupying political party or NGO offices.

The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement; however, satellite dishes were widely available. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

Unlike in the previous year, there were no reports that the Government razed squatter and IDP dwellings in the oil producing regions or that government forces and allied militia pursued a scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production, as the cessation of hostilities largely held.

Government armed forces and allied militias burned and looted villages and stole cattle (see Section 1.g.). The CPMT verified a number of incidents, including the March 8 looting of cattle and property and the torching of the local school in the village of Obei by government troops and affiliated militias.

Fighting in Darfur destroyed hundreds of villages as well as cattle and other property. Both government-affiliated and rebel forces were guilty of looting and razing villages and IDP camps (see Section 1.g.).

The Government continued forcibly to conscript citizens for military service, including high school age children (see Section 5).

A Muslim man may marry a non Muslim, but a Muslim woman cannot marry a non Muslim, unless he converts to Islam (see Section 5); however, this prohibition was not observed or enforced universally, particularly in the South and among Nubians. Non Muslims may adopt only non Muslim children; no such restrictions apply to Muslim parents.

The SPLM/A generally was not known to interfere with privacy, family, home, or correspondence in areas that it controlled; however, rebel factions continued forcibly to conscript citizens, including children of high school age. In Darfur, there were reports that opposition forces forcibly conscripted men and boys.

Unlike in the previous year, there were no reports of the SPLA forcibly recruiting refugees in northern Uganda.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Since the civil war resumed in the South in 1983, fighting between the Government and insurgents, interethnic conflict, and famine has resulted in the death of more than 2 million persons and displacement of more than 4 million persons, including at least 2 million in Khartoum alone. During the year, the war in the western region of Darfur widened.

While all sides in Darfur violated international law and international humanitarian law, information available by September 9 indicated that genocide had been committed in Darfur, and the Government and the jinjaweed bore responsibility. U.N. Security Council (UNSC) Resolution 1564 established a U.N. Commission of Inquiry to investigate whether or not genocide had been committed, and its report was expected in January 2005.

The conflict in Darfur has roots in both government neglect of the region and ethnic tensions between nomadic pastoralists and sedentary farming communities, exacerbated by scarce resources and the Government's support of the nomad militias. The fighting intensified dramatically in 2003 and during the year when the SLA and JEM attacked government bases, and the Government intensified its support of the nomad militias. Reliable reports indicated that Government and Arab militia forces destroyed a large number of villages of African tribes, and there were tens of thousands of deaths. At year's end, there were more than 1.5 million IDPs in Darfur, and another 200,000 civilians fled into Chad where the U.N. High Commissioner for Refugees (UNHCR) coordinated a massive refugee relief effort. More than 70,000 people reportedly died as a result of the violence and forced displacement. The Government continued to support the largely Arab nomad militia, known as jinjaweed, which terrorized and killed civilians and burned, raped, and pillaged the region.

Government and government-supported militias routinely attacked civilian villages, killing thousands. Typically, mounted jinjaweed forces, often in concert with regular government forces, conducted the attacks. Despite the Government's November commitment to refrain from aerial bombardment, helicopter gunships and Antonov bombers continued to support attacks against

some villages, usually where rebel combatants were located. Some of the most serious aerial bombing attacks took place after November 9, many of which the Government either denied or claimed were defensive in nature. While some of that aerial attacks were conducted in support of military operations, credible NGO reported indicated that aerial attacks and pillaging by the jinjaweed were also conducted in areas vacated by opposition rebels and that many of the aerial attacks appeared to be indiscriminate. Victims and NGOs stated that, in the attacks, helicopters often used rockets (including flechette rounds) and cannon fire, usually against rebel forces, including those holding villages. Killings and rapes during these attacks were common.

The press, AI, and HRW reported the following incidents: In February, there were reports of a government and jinjaweed coordinated an attack on Tawila, in which 67 persons were reportedly killed and numerous women raped. On March 19, there were credible reports that members of the armed forces and military intelligence arrested eight males from Jeway Kheen and put them in a military camp for 9 days before transferring them; their whereabouts were unknown. Also in March, members of the jinjaweed militia arrested and then killed 168 individuals from 10 villages in Wadi Saleh Province in western Darfur. On May 24, a jinjaweed attack on a village south of Nyala killed 50 civilians. On May 28, an Antonov airplane accompanied by two helicopter gunships bombed a crowded village near El Fashir, capital of South Darfur, killing 12 persons. According to AI, on July 12, a bombing attack by fixed-wing aircraft on the village of Donki Dereisa in South Darfur in support of an attack by government and jinjaweed forces resulted in approximately 150 deaths. In November and December, the pace of attacks and aerial bombings accelerated. On December 18, helicopter gunships supported a Government offensive against the rebel-held South Darfur town of Labado, a town with a large humanitarian presence. Several humanitarian relief workers were killed during this period.

Jinjaweed forces routinely raped women who ventured from IDP camps in search of wood or water. The Government made a limited effort to address the problem of sexual violence in Darfur (see Section 5). In February, the U.N. reported that members of the jinjaweed raped 41 schoolgirls and teachers in an attack on Tawila. In June, jinjaweed militia raped 40 women from an IDP camp in Western Darfur. Effective responses by human rights and advocacy groups were occasionally hampered by intimidation and difficulties in accessing Darfur.

All sides were responsible for violations of humanitarian law, often in an escalating cycle of retaliation. For example, on November 20, 9 SLA members were ambushed between Tawila and Korma, which led to SLA attacks on Tawila that killed at least 14. The SLA attacks were followed by government attempts to retake the town, which included aerial bombardment of civilians.

Cooperation with U.N.-sponsored relief operations was often inadequate, although there was some improvement. The Government initially hindered NGO access and ability to supply needed food and other resources. After a sustained campaign of international pressure, the Government improved humanitarian access considerably in all regions, particularly Darfur. Rebel forces and bandits also obstructed the flow of humanitarian assistance to the Darfur region and were responsible for attacks on humanitarian workers.

An AU-led international monitoring force was present in Darfur; however, security remained a major problem, and reports of violence remained common at year's end.

There were reports that the Government and government-supported militia tortured and beat persons suspected of supporting the rebellion in Darfur (see Section 1.c.).

The rebel groups in Darfur were also responsible for numerous abuses during the year. For example, the AU CFC verified that, on August 22, SLA forces attacked the village of Gangbada, injuring two persons and killing and injuring the villages' camels. In another AU-documented incident, the SLA attacked 20 policemen, killing 5 and injuring 7 others. Rebels attacked commerce on the roads, including humanitarian aid shipments, and seized goods, vehicles, and persons. Rebel attacks against "soft" government targets, such as police stations, contributed to the rise in lawlessness.

In the southern war zone, the SPLM/A controlled large areas of the states of Equatoria, Bahr el Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal. Military activity decreased due to the continuance of the cessation of hostilities first signed in 2002; however, there was an outbreak of violence in the Shilluk Kingdom in the spring (see Section 1.a.). All sides in the fighting were responsible for human rights abuses and violations. The SPLM/A and its northern allies controlled the border area with Eritrea and continued to occupy the symbolically important town of Hamesh Khoreb with units of the Beja Congress rebels. The Government continued efforts to strengthen its control of the oil-producing areas in western Upper Nile, partially by employing local militias.

Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports that government-supported militia intentionally attacked noncombatant civilians, looted their possessions, and destroyed their villages. For example, the CPMT verified a mid-March attack by government-aligned militia forces on the village of Pakang, west of Malakal. In another case, the CPMT determined that a government militia force entered the South Sudan National Park and killed civilians near the village of Mapel.

During the violence in the Shilluk Kingdom (see Section 1.a.), government troops, government-affiliated militia, and government police attacked villages around Malakal and razed numerous villages, destroying as many as 700 homes, stealing cattle, and displacing tens of thousands of persons.

There were no reports that the Government prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks; government forces provided logistic and transportation support, and weapons and ammunition to pro government militias throughout the country.

The CPMT was located in Rumbek, Malakal, and Khartoum; it was staffed by experienced personnel, investigated numerous violations, and found that both sides committed human rights abuses.

The CPMT substantiated numerous reports that government forces raped women throughout the South. There were also reports that government-affiliated militias, as well as SPLM/A forces, raped women during the year.

Unlike in the previous year, there were no CPMT reports of sustained violence on the Bentiu-Adok Road.

There was no further information regarding POWs once reported held in government-controlled areas. The Government did not acknowledge holding any POWs; the SPLM alleged that they were killed during the years of fighting.

There were 15 death and 30 injuries attributed to landmines previously laid by the Government to protect garrison towns and from landmines left by the SPLM/A and its allies during the war. Other than one unconfirmed report, it appeared that no new mines were laid in the South. However, landmines were used in the Darfur conflict, and deaths resulted from landmines during the year. The U.N. Mine Action Service reported four mine incidents in Darfur during the year. In November, a landmine reportedly killed a government official during near the oil pipeline.

The SPLM/A and allied insurgent forces displaced, killed, and injured civilians, raped women, and destroyed clinics and dwellings intentionally. For example, the CPMT reported that, on July 21, SPLA forces attacked civilians transporting bamboo through Malakal: Four persons were killed, three of them executed by shots to the head and chest.

The SPLM/A, which has taken a number of POWs over the years, often cooperated with the International Committee of the Red Cross (ICRC), allowing them regular visits to the POWs (see Section 1.c.).

There were credible reports of SPLM/A and SLA taxation and theft of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these practices; however, in practice, it appeared unable consistently to enforce compliance with those commitments by its forces in the field.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the Government severely restricted these rights in practice. Government detentions, intimidation, and surveillance of journalists and suspensions of newspapers continued to inhibit open discussion of political issues, although such discussions did take place in public forums, particularly after mid-year. Journalists practiced self censorship, and the Government confiscated entire issues of newspapers if it objected to an article.

There were a large number of daily newspapers, mainly in urban areas, and differing political views were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one formally government-controlled newspaper in Arabic and one in English, although security services also controlled other newspapers. A number of independent publications were under intensive scrutiny during the year and experienced intimidation, interruption, and arrest of their editors.

The Government directly controlled radio and television and required that they reflect government policies. Television has a permanent military censor to ensure that the news reflected official views. During the year, the first private FM radio station began operating in Khartoum, broadcasting music. The Government often charged that the international, particularly the Western, media had an anti Sudan and anti Islam bias. Some foreign radio broadcasts were available in the country.

In spite of the restrictions on ownership of satellite dishes, citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.

During the year, the Government eased restrictions on foreign journalists and allowed them access to Darfur. A few journalists and photographers were detained for taking pictures of slums, taking pictures without a license, or publishing news accounts unflattering to the Government; however, all were quickly released, and none were charged with any crimes.

A number of journalists and editors were arrested and detained during the year. For example, on January 14, the editor of one newspaper was arrested and only released after paying \$28,000 (SDD 7.28 million), which the Government claimed was a tax. Security forces summoned the chief editor of Al-Sahafa, and the chief editor of Al-Wan was detained for 18 days during



September. The Government commonly employed the tactic where state's attorneys summoned the editors of newspapers and detained them all day so that they could not do their work.

There was no further information on journalist Yusuf al-Beshir Musa, whom security forces arrested in May 2003.

The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government--particularly regarding government actions and policies in Darfur, through the National Press Council and security forces. Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations.

The National Press Council, which was directly responsible to the President, applied the Press Law. It was charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it could warn a newspaper or suspend it for up to 15 days. It also could suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consisted of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists' Union; and 2 selected by the Journalists' Union leadership. Observers believed the Journalist's Union was government-controlled. The National Press Council suspended journalists and newspapers during the year.

During the year, the National Security Office imposed restrictions on press freedom by suspending publications, confiscating already printed editions, conducting pre publication censorship, and restricting government advertising to pro government media only. Newspapers Al-Adwa, Al-Ayam, Al-Sahafa, al-Wan, and the Khartoum Monitor were targeted during the year. For example, in March, a court closed the Alazaminah Times for 3 days for publishing a report linking a government media official to the security forces; in September and October, two issues of Al-Adwa were confiscated; and the November 22 issue of Alwan newspaper was confiscated. No newspapers remained closed at year's end.

The Government did not restrict access to the Internet.

The Government restricted academic freedom. In public universities, the Government appointed the vice chancellors, who were responsible for running the institutions. While many professors lectured and wrote in opposition to the Government, they exercised self censorship. Private universities were not subject to direct government control; however, in some cases, professors also exercised self censorship. The Government continued to determine the curriculum.

The Government continued to harass university student groups. Although university students elected opposition parties' student unions, the Government harassed the student unions, took their files, destroyed their computers, and arrested and detained their members. On October 9, Khartoum University students burned down a building to protest a new identification policy to monitor certain students.

The SPLM/A and the umbrella opposition National Democratic Alliance provided few opportunities for journalists to report on their activities. The SPLM/A restricted the freedom of speech among populations under its control.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government continued to severely restrict this freedom. All rallies and public demonstrations in the country are banned, and no permits were authorized or issued. The authorities generally permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they perceived were politically oriented. The Government used the state of emergency as an excuse to restrict gatherings.

Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatimia (the Democratic Unionist Party or DUP) continued to be denied permission to hold large public gatherings during most of the year.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, in Khartoum, at least 10 persons were injured late in the year when riot police using tear gas and batons broke up a demonstration by students from Darfur, who were asking for an end to the violence there.

No action was taken against security forces who used excessive force in 2003 or 2002.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. The Political Parties Act allows some formerly banned political parties to resume their activities; however, the parties were required to notify the registrar in writing to participate in elections. Observers believed that the Government controlled professional associations.

The Government restricted diplomatic, international, and regional organizations' contact with local political organizations that the Government considered to be waging war against it.

## c. Freedom of Religion

The Constitution provides for freedom of religion; however, in practice, the Government continued to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The Government, which came into power in 1989 with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies. The three Naivasha Protocols signed on May 26 and the Nairobi Declaration of June 5 confirm the principle of freedom of religion and address how Islamic law (Shari'a) will be applied throughout the country, but they have not yet been implemented.

There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities, although it was sometimes unclear whether they were harassed for religious or political reasons.

Religious organizations and churches were subject to the same restrictions placed on nonreligious corporations. Religious groups were supposedly required to register to be recognized or to assemble legally; however, in practice, registration reportedly was no longer necessary, and the churches, including the Catholic Church, have declared they are not NGOs and declined to register. Registered religious groups were supposed to be exempt from most taxes, but the churches reported that they remained subject to taxes and import duties.

While, in general, non-Muslims were allowed to worship freely in their places of worship, religious minority rights were not protected, since the Government treated Islam as the state religion with an open policy of Islamization freely promulgated. Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non Muslims, as well as certain Islamic groups.

Some non-Muslim businessmen complained of petty harassment and discrimination in awarding of government contracts and trade licenses. There also were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and in court cases involving Muslim against non-Muslim. However, non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas.

The use and construction of houses of worship required government approval. Applications to build mosques generally were granted in practice; however, the process for applications to build churches was more difficult, and the last permit was issued around 1975. The Guidance and Endowment Minister stated that his ministry had granted permission for new places of worship but that the local authorities denied permission based on criteria developed for their areas, such as that no similar church may be within a certain radius of the proposed construction and that there be a minimum number of worshippers for that church in the locality.

Under the Criminal Act, non Muslims may convert to Islam; however, conversion by a Muslim was punishable by death. In practice, authorities usually subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country.

Although some non-Muslims have converted to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of forced conversions during the year. Some church leaders said that security forces in the south, in an attempt to garner votes for the referendum on north-south unity scheduled to be held 6 years after the peace agreement is signed, were rewarding persons for converting to Islam.

PDF trainees, including non Muslims, were indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government supported Islamic NGOs pressured and offered inducements to non Muslim inmates to convert. Some persons in the government controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non Muslims children to convert to Islam. Unlike in previous years, there were no credible reports of abductions and forced conversion of children from Christian and other non-Muslim families.

Christian religious workers, including priests and teachers, like almost all visitors, experience delays in getting visas to visit the country. The visas were generally issued, sometimes after very lengthy delays or after the person could no longer travel. The Government controlled the travel of all visitors to a number of conflict areas by refusing or delaying travel permit issuance.

Muslims could proselytize freely in the government-controlled areas, but non Muslims were forbidden to proselytize.

Children who have been abandoned or whose parentage was unknown regardless of presumed religious origin were considered Muslims and could be adopted only by Muslims.

Unlike in the previous year, there were no reports that Islamic students abused non-Sudanese African students.

In SPLM/A controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely;

however, many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favored secular government; however, Christians dominated the SPLM, and local SPLM authorities often had a very close relationship with local Christian religious authorities.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government restricted these rights in practice.

Movement generally was unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits for domestic travel outside of Khartoum, which could be difficult to obtain and were sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and re register at each new location within 3 days of arrival.

Foreign NGO staffs had major problems obtaining entry visas as well as work or travel permits for Darfur. There were numerous reports of delays and restrictions being imposed. In mid-year, under international pressure, the Government eased these restrictions and, in most cases, issued visas within 48 hours, although there was still a notification requirement for those going to Darfur.

Foreign diplomats could travel to many locations without a government escort but had to notify the Government of travel to Darfur, which at year's end was not blocked, although early in the year there had been some problems. Visitors were sometimes denied travel or their travel was deferred due to the Government's delays in granting travel authorization.

The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, in November a member of Hassan al-Turabi's PNC was not allowed to travel to Kenya, and, in December, a DUP member was denied permission to travel.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, especially for NC members.

The law prohibits forced exile, and the Government did not use it. Opposition leaders remained in self imposed exile in Cairo, Asmara, and other locations during the year.

The SPLM/A restricted freedom of movement among populations under its control. Citizens from the North or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners. Insurgent movements in the South also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission. NGO workers who have worked in government held areas encountered problems receiving permission to work or travel in insurgent held areas.

There were estimates that up to 4 million persons were displaced internally due to the civil war. The U.N. estimated that at least 1.5 million persons had been displaced by the conflict in Darfur and that another 200,000 had fled to Chad. Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums ringing Khartoum. Refugee International researchers estimated that more than 300,000 refugees and displaced persons returned home during the year.

There were frequent reports of abuses committed against IDPs, including rapes, beatings, and attempts by the Government to forcibly return persons to their homes. The Government forcibly emptied some IDP camps; for example, on November 2, the Government closed two camps (Al Jeer and Otash), using tear gas to drive IDPs out. The Government stated that it merely was moving IDPs to newer, better camps. There also were numerous credible reports that government troops harassed IDPs or denied persons access to camps. On August 3, police reportedly removed 50 newly arrived men from Kalma camp. On August 5, 48 students who attempted to enter Kalma camp were arrested, detained, and then released. There were credible reports that the Government arrested Darfuri IDPs who spoke with foreign observers. In December, the Government publicly committed itself to the principle of voluntary relocation of IDPs in cooperation with the U.N. and NGOs, and the International Organization for Migration reported a few voluntary returns. The U.N. reported that IDPs lived in a climate of fear.

The Government pressured IDPs to return home against their wishes. In one instance, foreign observers, visiting an IDP return site in Sani Deleiba set up by the Government, discovered that IDPs who had been forced home and promised assistance to rebuild their homes received two small bowls of sorghum and a piece of plastic sheeting.

The UNHCR reported that there were approximately 572,000 Sudanese refugees in neighboring countries, largely due to the conflict in the South. The largest number was in Uganda, with approximately 223,000.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has not established a system for providing protection to refugees.

In practice, the Government generally provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum; however, there was no standard determination procedure, and there were reports of the forced return of refugees to their countries of origin. The Government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers and accorded refugees generally good treatment. The UNHCR reported that there were approximately 327,000 refugees in the country, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 150,000 refugees were in camps, and the rest were scattered in urban areas throughout the country. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol; however, no statistics were available for the year.

There were reports that government officials mistreated refugees, including through beatings and arbitrary arrests. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

Improved security in the South due to the ceasefires increased the return of displaced populations into areas of origin that were severely affected by the war and lacked basic services. A number of refugees and displaced persons voluntarily returned to the country during the year, particularly to the Nuba Mountains region.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens had no genuine opportunity to change their government. Presidential and parliamentary elections were held in 2000, and there were allegations of serious irregularities, including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. President Bashir was elected to another 5 year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

In 1999, President Bashir disbanded the Parliament, suspended portions of the 1998 presidentially decreed Constitution, and decreed a state of national emergency, which suspended basic civil liberties. Parliament resumed in 2001; however, with 98 percent of the Parliament in the ruling NC Party, the Parliament did not act independently of the President. The state of emergency remained in effect at year's end, and, on December 21 Parliament voted to extend it for another year.

The law allows the existence of political parties; however, the Government continued to routinely deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.). The major opposition political parties for the most part remained marginalized from the political process; however, as the peace negotiations progressed during the year, opposition parties became more vocal in their demand for inclusion, and the Government sought the support of some to add legitimacy to the agreements. Hassan al-Turabi's PNC remained a proscribed political organization.

The Government continued summarily to dismiss military personnel as well as civilian government employees whose loyalty it considered suspect in a process called "separation for public interest." Throughout the year, a number of military officers were fired because they were either from Darfur or did not support the ruling party strongly enough.

The federal system of government was developing a structure of 26 states, with governors and senior state officials appointed by the President. The Government described this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners were underrepresented in the central Government, and local appointees were not universally viewed as representative of their constituencies.

The NGO Transparency International reported a widespread perception of corruption.

There were no laws providing for public access to government information.

Women had the right to vote. There were 12 women in the 360 seat Parliament. There were two women in the Cabinet, two female State Ministers, and seven women on the Supreme Court.

There were approximately 55 southerners in the 360 seat Parliament, and approximately 30 Christians in the Council of Ministers.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Various local human rights groups were active in the country, but they suffered from occasional government harassment. The Government was generally uncooperative with and unresponsive to domestic human rights groups, and one human rights leader, Mudawi Ibrahim, has been detained twice.

Events in Darfur brought heightened levels of scrutiny from international NGOs, which the Government often resisted, although it

did allow a number of human rights groups to visit the country. The Government initially made it very difficult for NGOs to operate in Darfur by denying visas, holding up the clearance of equipment and supplies at customs, denying permission to travel within the country, and harassing the humanitarian community, although visa issuance and access for humanitarian workers improved somewhat later in the year. Rebel attacks on relief convoys continued, as did government ripostes.

Access in the South continued to improve as the cessation of hostilities continued, although there were still some problems, notably in Southern Blue Nile.

In October, AI visited the country, as did Human Rights Watch, which made its first visit to the country in 5 years. Both groups were allowed to travel throughout the country. The president of the ICRC visited the country twice and delivered to the Government and rebel leaders confidential reports on human rights violations and recommendations for addressing these violations.

Rebels reportedly abducted NGO workers in Darfur. On October 10, a mine explosion killed two Save the Children staff members who were driving in Darfur. In December, rebels executed two other NGO workers at a roadblock near Nyala. In mid-December, three female Save the Children national staff were raped and their four male colleagues were beaten.

The U.N. also sent a number of different teams to the country to investigate the human rights situation and events in Darfur. The U.N. High Commissioner for Human Rights and the U.N. Secretary-General's Special Representative for the Prevention of Genocide visited the country, and the office of the UNHCR deployed monitors to Darfur. A UNSC Resolution created an International Commission of Inquiry to investigate events in Darfur; the team began its mission in Khartoum on November 7 and was carrying out its mandate at year's end.

The Human Rights Advisory Council, a government body composed of representatives of human rights offices in 22 government ministries and agencies whose rapporteur was the Solicitor General for Public Law, was charged with investigating human rights complaints. The Council took no known actions during the year.

The National Assembly has a broadly representative human rights committee, which had responsibility for investigating and reporting on human rights abuses to the Assembly. There was no information on reports or recommendations it made during the year.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, particularly with respect to violence against women and children, were ineffective.

#### Women

Violence against women was a problem; however, since reliable statistics did not exist, its prevalence was unknown. Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.

Displaced women from the South were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varies from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law. Pregnant unmarried women and young girls were convicted during the year of adultery (see Section 1.c.).

Women in Darfur were particularly vulnerable. Credible reports of rape were widespread. There were many reports of women who were raped if they left their IDP camps to gather food or wood. The Government was slow to acknowledge the severity of the problem, although it eventually appointed a commission to investigate rape allegations. The commission was neither active nor effective in stopping assaults against women. The problem was exacerbated because local authorities often required rape victims to file a police report before they could receive medical treatment, despite an August 21 decree that waived the requirement. U.N. and NGO sources confirmed that the decree was not regularly observed. Women distrusted the police and rarely filed a police report.

FGM remained widespread, particularly in the North, although it was becoming less common as a growing number of urban, educated families abandoned the practice. Unlike in the previous year, there were no reports that women displaced from South to North imposed FGM on their daughters. Some families, in a compromise with tradition, adopted the least severe form of FGM, "sunna," as an alternative to infibulation. No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. The Government did not support FGM and actively campaigned against it, as did the SPLM in its zone of control. One local NGO worked to eradicate FGM.

Prostitution is illegal but widespread.

Trafficking in women remained a problem but declined in scope during the year (see Section 5, Trafficking).

The law prohibits sexual harassment; however, such harassment reportedly occurred, although reliable statistics were not available.

Some aspects of the law discriminated against women, including many traditional law practices and certain provisions of Shari'a as interpreted and applied by the Government. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are ensured inheritance from their parents. However, a widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings.

Because, under Islamic law, a non-Muslim woman is viewed as taking on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew, and their children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. Since traditionalist marriages are not licensed or recognized as official by the State, this prohibition usually was neither observed nor enforced in areas of the South not under government control or among Nubans (most of whom are Muslims).

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, particularly for NC members.

Women generally were not discriminated against in the pursuit of employment; however, women were not allowed to work after 10 p.m., in theory limiting their employment opportunities. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles. More than half the professors at Khartoum University were women.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering; however, in general, police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered. These acts violated regulations against indecency, but the POP generally only issued warnings for improper dress.

A number of women's groups were active, focusing on a wide range of social and economic issues.

#### Children

The Government's commitment to children's rights and welfare was uneven. Education was compulsory through grade eight; however, according to UNICEF, approximately half of school age children attended primary school. There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the North, boys and girls generally had equal access to education (50 percent and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income choose to send sons and not daughters to school.

Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education because of inadequate facilities or because they could not afford the fees. Nomadic groups also were disadvantaged. In the urban areas of the South, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls. The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university. More than 60 percent of university students were women, in part, because men were conscripted for war.

There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported the under-5 mortality rate at 93 per 1,000 and the rate of low birthweight at 31 percent.

The Government operated camps for vagrant children called reformation camps. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non Muslims, must study the Koran, and there was pressure on non Muslims to convert to Islam (see Section 2.c.). Male teenagers (and, in the South, some girls) in the camps often were conscripted into the PDF. Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

FGM was performed frequently on girls (see Section 5, Women).

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (see Sections 1.b., 5, Trafficking, and 6.c.). The Government and government-allied militias forcibly conscripted young men and boys into the military forces to fight in the civil war. Unlike in the previous year, there were no reports that the South Sudan Unity Movement conscripted boys.

Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers.

The ICRC cooperated with UNICEF to remove child soldiers from the South.

#### Trafficking in Persons

Although the law does not prohibit specifically trafficking in persons, the Constitution specifically prohibits slavery and forced labor; however, there were reports that persons were trafficked from and within the country. There were fewer reports during the year that government and government-supported militias abducted women for use as domestic servants, forced labor, or concubines (forced marriages) due to the continuation of the North-South cessation of hostilities.

In addition to constitutional provisions, there are laws criminalizing specific conduct mentioned by the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons. Criminal law (Shari'a) and the State of Emergency Law prohibit all forms of sexual exploitation. Penalties include fines and imprisonment; however, no prosecutions took place under these laws during the year.

Unlike in previous years, there were no credible reports that children were transported to the Persian Gulf to be used as jockeys in camel races or as laborers.

There were credible reports that intertribal abductions of women and children continued in the South. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. As intertribal fighting in the South decreased, the number of abductions also appeared to decline. The Government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. The CEAWAC and its 22 Joint Tribal Committees investigated abduction cases and sought to facilitate the safe return of victims. The CEAWAC documented 764 abduction cases in 2003 and reunified 196 abductees with their families.

During the past 19 years, the Lord's Resistance Army (LRA) kidnapped more than 20,000 Ugandan children, took them back to the southern part of Sudan, and forced them to become sex slaves, pack animals, or soldiers. Many of them have been killed. The Government permitted the Ugandan army access to the South to pursue the LRA. Although Ugandan military operations significantly reduced LRA numbers, the LRA continued to operate in the South and to hold child abductees.

#### Persons with Disabilities

The Government did not discriminate against persons with disabilities but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. The law requires equal educational opportunities for persons with disabilities.

#### National/Racial/Ethnic Minorities

The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed a majority of approximately 16 million persons, traditionally dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. Although an oversimplification, the fighting in Darfur has been characterized in racial terms, as Arab Muslims against black African Muslims (see Section 1.g.).

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas.

There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and "chose" to "marry" their abductors, rather than return home where they would be stigmatized.

There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes.

#### Other Societal Abuses and Discrimination

Homosexuality is a crime, but no one has been convicted on the charge.

#### Incitement to Acts of Discrimination

The Government and government supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right of association for economic and trade union purposes; however, the Government denied this right in practice. The Trade Union Act established a trade union monopoly in the Government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned. The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees. The International Labor Organization has frequently noted that the situation of trade union monopoly is contrary to the principles of freedom of association. The International Confederation of Free Trade Unions continued to recognize the "Legitimate" Sudan Workers Trade Union Federation (SWLTF)--the national trade union center that functioned prior to the ban--which operated in exile.

Unlike in the previous year, there were no reports that union leaders were detained.

The law does not prohibit anti union discrimination by employers.

### b. The Right to Organize and Bargain Collectively

The Labor Code denies trade unions autonomy to exercise their basic right to organize or to bargain collectively. The Labor Code defines the objectives, the scope of their activities, and their organizational structures and alliances. Union funds were the control of the auditor general.

Labor organizing committees have the right to organize and bargain collectively; however, in practice, government control of the steering committees meant that the Government dominated the process of setting wages and working conditions. A tripartite committee comprising representatives of the Government, the government-controlled SWTUF, and business set wages. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials raised some grievances with employers, although few raised them with the Government. There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student union elections (see Section 2.a.).

Specialized labor courts adjudicated standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

Strikes were considered illegal unless the Government granted approval, which has never been given. In most cases, employees who tried to strike were subject to employment termination; however, workers who went on strike during the year were not terminated.

There is one export processing zone located in Port Sudan, which is exempt from regular labor laws.

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued (see Sections 5 and 6.d.). Unlike in previous years, credible sources indicated that slavery did not appear to be a significant problem.

The Government continued to deny that slavery and forced labor existed, but CEAWAC acknowledged that abductions had occurred (see Sections 1.b. and 5).

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Section 5).

The SPLM/A and affiliated forces continued to force southern men to work as laborers or porters.

### d. Prohibition of Child Labor and Minimum Age for Employment

The Constitution provides that the Government protects children from exploitation; however, the Government did not enforce the provisions, and child labor was a serious problem. Although the legal minimum age for workers was 18 years, the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy.

There were reports that children were forcibly conscripted (see Section 5).



Child labor existed in SPLM/SPLA held areas, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

e. Acceptable Conditions of Work

In April, the Ministry of Labor and Administrative Reform, the Sudanese Businessmen, and Employers Federation, and the SWTUF agreed to raise the minimum wage to \$48 (SDD 12,500) per month. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local Ministry of Labor field office, which then was required to investigate and take appropriate action. There were reports that some workers, including postal and health workers, were not paid their regular wages. The Central Bank failed to pay severance pay to fired workers who sued in court for their severance pay. At year's end, they still had not been paid.

The workweek was limited by law to an 8 hour day, with a day of rest on Friday, which generally was respected. For manual laborers, there were limits on the number of hours worked per week and provisions for premium pay for work above the standard workweek.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.

Legal foreign workers had the same labor rights as domestic workers. Illegal workers had no such protections and, as a result, typically worked for lower wages in worse conditions than legal workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.